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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
March 13, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Heather Powers, Solid Waste Department; Sam Little, Weed Supervisor; Kellie Doherty, Personnel Officer; Ernie Kennison, Cory Fitzgerald, Celia Wolny, Mary Ellen Earnhart, Rochelle Hesford

MINUTES

Commissioner Lythgoe moved to approve the minutes of January 30. Commissioner Notbohm seconded. The motion carried.

CALENDAR REVIEW

3/14 Horizons - Boulder - 7:00
3/15 Safety Committee - 9:30
Headwaters - Butte - noon
RMDC - Helena - 3:30

COMMISSION REPORTS

HORIZONS

Commissioner Weber reported that he attended the Whitehall study circle the previous week, which went well. The Boulder group skipped the past week due to interest in a public meeting MDC was holding.

CLARK CREEK ROAD

Commissioner Weber reported that the Commissioners met at the Hill Ranch on Wednesday to discuss if the road through their ranch is a county road or not. Documentation was presented that the County accepted Hill Brothers Road up to the Hill's cattle guard in the 1980s. Tim Raveldahl also brought old GLO maps. No decision was made at the meeting.

MEETING WITH THE CLERK AND RECORDER

Commissioner Weber reported that on Wednesday the Commission had a meeting with Bonnie
March 13 2007 minutes.wpd

to discuss a budget resolution. They also signed a letter of support for moving late registration back 17 hours.

CTAC

Commissioner Weber reported that he attended a CTAC meeting. Golden Sunlight is still actively working with Barrick to keep the mine open past the 2008 proposed shut down. They are looking at possibly a two to three year extension.

LEGISLATURE

Commissioner Weber reported that he was at the legislature on Monday. The House Labor and Business committee heard HB 339. He testified, and the committee members asked some good questions.

SOUTH HILLS RID

Commissioner Lythgoe reported that the Commission met with the Lewis and Clark Commission on Thursday. They did sign the South Hills Drive agreement, so they can proceed with the RID/RMD. They expect to go to bid in May and complete the project by the end of summer.

HEALTH BOARD

Commissioner Lythgoe reported on the Health Board meeting held on Thursday night. Tish Fortier, the nurse supervisor, has resigned, and the board is looking for a replacement.

FAIR BOARD

Commissioner Notbohm stated that he will be meeting with Marilyn McCauley that afternoon regarding bids for the building upgrade, and they will be meeting with the bidders after that.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Bonnie Ramey, Clerk and Recorder, stated that the Commissioners approved a claim that morning for an audit of Elkhorn Search and Rescue. After talking to Matt, Craig and Search & Rescue, she is going to decline this claim as it is for an audit of their personal checking account, not of the County funds. Commissioner Lythgoe moved to concur with Bonnie's recommendation not to pay claim #612725. Commissioner Weber seconded. The motion carried.

SUBDIVISION REVIEW

REQUEST FOR WITHDRAWAL OF PRELIMINARY PLAT APPROVAL - SHEEP MOUNTAIN 1, 2, 3 & 4 MINOR SUBDIVISIONS

Commissioner Notbohm stated that Mike Hoffman, County Planner, called him before the meeting to let the Commission know that the developer no longer wants to withdraw his preliminary plat approval.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON APPROVAL OF SOLID WASTE BY-LAWS REVISION

Heather Powers, Solid Waste office manager, presented a copy of the February 15 meeting

minutes and by-laws. The Solid Waste board voted to change the by-laws section 2.4 to remove the phrase “every five years”. Commissioner Weber stated that the current makeup of the board is a Boulder designee, a Whitehall designee, a Commission designee and four members from throughout the county. There has been trouble with filling the board from the designated areas. This was a seven-member board in the past and four are needed for a quorum. They changed to a six-member board last year, but the quorum is still four. The board wants to take out the “every five years” requirement.

Heather stated that the second change made is to change the board meetings from the third Thursday to the fourth Thursday.

Commissioner Notbohm stated that his only concern is that the representation stay across the county. Commissioner Weber stated that part of the discussion that lead to this decision is that, historically, if the board is discussing raising fees, getting seven members is no problem; for the day-to-day business, they are lucky to have three people there.

Commissioner Lythgoe moved to concur with the two changes to the by-laws proposed by the Solid Waste board. Commissioner Notbohm seconded. The motion carried.

SAM LITTLE - DISCUSS ADDITIONAL STAFF FOR WEED DEPARTMENT

Sam Little, Weed Coordinator, stated that he is requesting a full-time staff and a quarter-time staff. The quarter-time will be for 12 to 15 weeks, to be paid fully from a grant, although he may have this person do some field work if he got trust fund monies. He currently has money in his budget to cover the full-time position. Sam stated that it has gotten to the point where he needs to decline or add services. He noted that surrounding counties give subdivision developers a “welcome packet” from the weed department.

Commissioner Notbohm asked Sam if he has checked out the funding. Sam stated that there will be enough funding for three summers. There is also some mileage available over and above the salary. The administration fee will go to the watershed council, as they will be keeping the books. Commissioner Notbohm asked how much off the top the administration costs will be. Sam stated that it will be \$3000.

Cory Fitzgerald, Weed Board Chair, stated that his main concern is that he has a problem with the money going to the watershed group. Jefferson County will be doing all of the work, and will get nothing for their services. If this could be a contract position he is in favor of it, but he doesn't want to see any money come out of the district's funds. Commissioner Weber stated that this is the reason they are discussing it now. When he first heard about this he was concerned with how it is all going to mesh. Cory stated that the board is pretty much okay with the quarter-time position, but the full-time is another issue. Commissioner Notbohm agreed that he isn't big on adding another full-time person. He also noted that we have had trouble getting a contractor here when we need weeds sprayed. Commissioner Weber stated that he wanted to finish the discussion regarding the quarter-time position first.

Kellie stated that after her first meeting with the Weed Board she felt that it would be best to do this with a contract, but there are some problems with an independent contractor. They need to

have their own equipment and insurance. If they can't find an independent contractor, they may need to go back to looking for a seasonal employee. Kellie stated that it would be easier if they just gave the county the \$20,000 and let us go. She is worried that the county will be stuck with covering the benefits. Commissioner Notbohm asked if they feel the quarter-time position is feasible and if the person will need to be certified. Sam stated someone could operate under his license within a 25-mile radius, but it would be better if they held their own license. Also, this person will not necessarily be going out and doing treatment, but will be gathering data, studying riparian areas, etc. Commissioner Lythgoe asked if the person we currently contract with is certified, why we can't use them. Sam stated that spraying and mapping are two different things. Cory stated that if they used the same person, the roads wouldn't get sprayed. Commissioner Notbohm stated that it is going to be hard to find someone qualified to do this. Cory asked if they are going to have to turn down a \$100,000 grant. Commissioner Lythgoe suggested that they contact the universities; they may be able to find someone qualified who will be tickled to have the opportunity. However, finding someone with a license may be difficult.

Commissioner Lythgoe moved to pursue the quarter-time position, and to leave it up to Kellie and Sam on how to fill the position. Commissioner Weber seconded. The motion carried.

Regarding the full-time position, Commissioner Weber asked Kellie and Sam to go back to the board to discuss the budget, position description and wage. Kellie stated that Sam gave her two different position descriptions, one for a full-time secretary and one for a full-time assistant weed coordinator. The board has approved the assistant weed coordinator position. She hasn't gotten the grading back, but she estimates it to be a grade 9. Commissioner Notbohm asked what the cost will be with benefits. Kellie stated that it will be around \$33,000 to \$34,000. Commissioner Weber asked if the Weed Board has the means to handle this at this time. Sam stated that they do; with funds from the mill levy for the cost share program and fees coming in, they do have room in the budget for the rest of the fiscal year. They may need to do some shuffling. Citizen education will go up, as the prime function of this position will be outreach.

Kellie noted that the position is to be located in Whitehall, and asked about facilities. Sam stated that there is a small space available for \$165.00/month. Commissioner Weber asked if the chemicals will stay where they are. Sam stated that they would. Commissioner Notbohm stated that research and study are good, but if they don't feel that we are currently getting the spraying done in the county that is needed, will this help any. Sam stated that currently, he is tied to his office. If he could get out and direct the contractor, things would be better; he could also do some spraying. Commissioner Notbohm stated that we need to have the weeds sprayed before we look at another person. Commissioner Weber asked if the new position description contains weed spraying. Kellie stated that it does.

Commissioner Lythgoe moved to follow the recommendation of the Weed Board and authorize the hiring of an assistant weed coordinator. Commissioner Weber seconded. Commissioner Notbohm asked if this is the recommendation of the Weed Board. Cory stated that it is. Commissioner Notbohm stated that Sam talks about finding someone to spray, do grants, and perform administrative duties, but he can't see this happening; they need more contractors to get

the weeds sprayed. Commissioner Weber stated that he sees this as a healthy mix. Cory stated that, looking at other counties, we are way behind the times with this full-time position. This can free up Sam to get out in the field and the full-time person could also be out. He understands Commissioner Notbohm's concern and feels that they need to put in the sprayer contract the ability for the county to call someone else if the contractor is not available. Commissioner Notbohm stated that he has a problem with two full-time people when six months out of the year they will have nothing to do. The motion carried, with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

DISCUSS SUSTAINABILITY OF THE 21ST CENTURY PROGRAM

Mary Ellen Earnhart stated that the 21st Century program is funded by the federal government for the first five years, and is supposed to become self-sustained after that. However, this program was set up for communities with large corporations, not rural communities like Boulder. She then presented an outline of the program guidelines, goals and outcome. She stated that last year, 87% of the students were in the program; this year it has risen to 97%. Mary Ellen stated that they have one more year of full funding, then will receive 60% the following year. Commissioner Notbohm asked where the funding comes from. Mary Ellen stated that the federal government sends the money to the state, and schools have to apply for funding. Commissioner Notbohm asked what chance they have of getting refunded. Mary Ellen answered that there is no chance. Commissioner Lythgoe asked what the annual budget is for the program. Mary Ellen said that the annual budget is \$105,000. Commissioner Notbohm asked what ideas they have been given to become self-sufficient. Mary Ellen answered that they were given no idea; this program is usually done in larger communities with large corporations that could sponsor the program. Commissioner Lythgoe asked if they get any support from the school system. Mary Ellen said that she talked to OPI about going to the legislature, and they were told to stay out of it. Commissioner Weber asked if there has been any funding talk from the Boulder school. Mary Ellen stated that she will be taking more data to them during the next budget session.

Commissioner Lythgoe asked what she is requesting of the Commission. Mary Ellen answered that she would like to request funding, possibly from the metal mines account. She spoke of the possibility of a mill levy also, and noted that this coming June starts their last fully funded year. Commissioner Lythgoe asked if the after-school program is held in the rest of the County. Mary Ellen said that they started an after-school program in Montana City, but it is more of a daycare; she doesn't know about Clancy or Whitehall. She noted that the average income in Montana City when the grant was written was \$70,000, while in Boulder it is \$20 - 25,000.

Celia Wolny stated that she has heard huge community support for this program.

1ST READING - RESOLUTION 9-2007 ESTABLISHING FEES FOR SITE INSPECTION FOR SUBDIVISIONS

Commissioner Weber asked if this has been cleared with the County Attorney. Sam stated that it is in Matt's office. Commissioner Notbohm stated that he would recommend that Sam have a meeting with Harold and Matt to discuss fees. Commissioner Lythgoe stated that it has been decided to deal with subdivision fees separately, and they need to be pulled from the subdivision

regulations. Commissioner Weber stated that he has a tough time putting this straight to first reading without some discussion. He asked the other Commissioners what direction they would like to take.

Commissioner Lythgoe stated that he thinks that it is appropriate to look at some fees, although he does have a problem with the amounts presented. He would prefer to see a standard fee or a per lot fee, not both. Commissioner Notbohm stated that after looking at this and thinking about it, he somewhat disagrees. They aren't trying to pay Sam's salary, and he doesn't feel that the charges are out of line. They are providing a service, and it shouldn't be up to the taxpayers to pay for a subdivision. Sam stated that Jefferson County is one of two counties that doesn't charge weed fees for a subdivision.

Commissioner Weber stated that the \$75 fee for an industrial subdivision concerns him. There could be a major industrial subdivision that would pay substantially less than a residential subdivision. Sam stated that he understands that concern; this can be done away with.

Commissioner Weber stated that there could be a two-lot subdivision of 100 acres or a 50-lot subdivision of 100 acres, and asked if it would take any less time to do the two-lot than the 50-lot. Sam stated that it would depend on where it is; he can't give a direct answer. Commissioner Weber asked Sam how he equated and made equal open pit gravel or mining. Sam stated that he had to set the figure somewhere. A mine operation will have DEQ requirements, as will a gravel pit. The DEQ sends a report of their findings for the weed board to review.

Commissioner Weber stated that the per lot fee seems to make sense. He asked what difference it would make how many lots are on the acreage. Sam answered the difference is in the amount of disturbance from roads, underground utilities, etc. There are weed free areas that now have weeds along the roadways. Commissioner Notbohm stated that with more lots, Sam will take more trips to check on the progress. He asked about a three-year plan. Sam stated that he intends to have a three-year plan, but he would also consider going to a five-year plan in case of a longer build-out. (3:45 Commissioner Notbohm left for another meeting.) Commissioner Weber stated that he is getting that the Commissioners agree that something needs to be done. He personally has a problem with both fees also. The fees seem to be all over the map. He feels that \$15 per lot might be a better option. Sam stated that looking at what comes to him, most two-lot subdivisions are family transfers. Commissioner Weber stated that it makes sense to him to have the fees on a per-lot basis, with the exception of gravel pits and mines. Sam noted that sometimes an open pit or mine could take more time.

A discussion followed of various fees. Commissioner Lythgoe stated that if they are going to do a baseline and per lot fee, the baseline needs to be the same for both major and minor subdivisions. Commissioner Weber stated that he would rather go strictly per lot, but if they are going to do both, the baseline should be small. Sam stated that if they are going to do per lot only, he would ask that the fee be increased to \$25. He would prefer to do both, noting that sometimes a small subdivision is more work.

Commissioner Weber moved to adopt first reading of the resolution as stated:

minor subdivision	\$100/\$15 per lot
major subdivision	\$100/\$15 per lot
open gravel	\$250

Commissioner Lythgoe noted that they told Commission Notbohm that they would not be acting on this at this time. He would recommend that they approve the dollar amounts and schedule the resolution for first and second readings in the future. Commissioner Weber withdrew his motion and concurred.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER